

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

**TROUT POINT LODGE, LIMITED,
a Nova Scotia Limited Company,
VAUGHN PERRET, and CHARLES LEARY**

PLAINTIFFS

v.

CAUSE NO. 1:12CV90-LG-JMR

DOUG K. HANDSHOE

DEFENDANT

**ORDER DENYING MOTION FOR WRIT OF EXECUTION AND
DENYING MOTION FOR APPOINTMENT OF SPECIAL PROCESS SERVER**

BEFORE THE COURT are the [90] Motion for Writ of Execution and the [91] Motion for Appointment of Special Process Server filed by Defendant Doug K. Handshoe. The facts underlying this action, including those related to the unpaid judgment thereon, have been extensively discussed by this Court in previous Orders and will not be set forth again here. For the reasons discussed below, the [90, 91] Motions will be denied.

In the Motions, Handshoe requests that the Court issue a Writ of Execution related to the unpaid judgment in this action pursuant to 28 U.S.C. § 3203(c)(1), and, further, that the Court appoint a special process server to serve the Writ of Execution. However, § 3203(c)(1), part of the Federal Debt Collection Procedures Act, only applies to the United States' efforts to execute on judgments related to debts owed to it; it is clearly not available to individual judgment debtors such as Handshoe. *See* 28 U.S.C. § 3001 (stating that the Act "provides the exclusive civil procedures for the United States . . . to recover a judgment on a debt"); 28 U.S.C. § 3002 (defining "debt" to be amounts owed to the United States). Indeed, §

3203(c)(1) provides that the application for the Writ must be made by “counsel for the United States[,]” which is not the case here. Accordingly, the Court will deny Handshoe’s Motion requesting that a Writ of Execution issue pursuant to § 3203(c)(1) and will also deny the related Motion requesting appointment of a special process server to serve the Writ.

IT IS THEREFORE ORDERED AND ADJUDGED that the [90] Motion for Writ of Execution and the [91] Motion for Appointment of Special Process Server are **DENIED**.

SO ORDERED AND ADJUDGED this the 2nd day of August, 2017.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE